

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 28

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KARL RISCHARD, PETER HILFIKER, JORG MATHIOWETZ,
EMIL FUCHS, and MARKUS MULLER

Appeal No. 1999-0432
Application No. 08/331,799

ON BRIEF

Before BARRETT, LALL, and BLANKENSHIP, Administrative Patent Judges.

BLANKENSHIP, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the examiner's final rejection of claims 1, 2, 4-6, 9, 14-18, and 20-26.

We reverse.

BACKGROUND

The invention is directed to an equipment carrier for electric installation equipment.

Claim 1 is reproduced below.

1. An equipment carrier for electric installation equipment, the equipment carrier comprising:

an adapter lower portion adapted to be interlockably and conductively coupled with at least two bus bars, and

an adapter upper portion adapted to be coupled to at least one installation equipment,

wherein the adapter lower portion and the adapter upper portion are formed as separate components adapted to be coupled together and are adapted to be interlockably coupled together, with the adapter lower portion of a defined construction size also being adapted to be coupled with adapter upper portions of differing sizes; and

wherein the adapter upper portion of the equipment carrier is adapted to be connected with an additional adapter upper portion, not associated with the equipment carrier, with the additional adapter upper portion adapted to be coupled to at least one further installation equipment.

The examiner relies on the following reference:

Sharp et al. (Sharp)
(PCT published application)

WO 91/01583

Feb. 7, 1991

Claims 1, 2, and 9 stand rejected under 35 U.S.C. § 102 as being anticipated by Sharp.

Claims 4, 5, 6, 14-18, and 20-26 stand rejected under 35 U.S.C. § 103 as being unpatentable over Sharp.

Claim 12 has been withdrawn from consideration as being drawn to a non-elected species. Claims 3, 7, 8, 10, 11, 13, and 19 have been canceled.

We refer to the Final Rejection (mailed May 12, 1997) and the Examiner's Answer (mailed Mar. 17, 1998) for a statement of the examiner's position and to the Brief (filed Dec. 10, 1997) and the Reply Brief (filed May 18, 1998) for appellants' position with respect to the claims which stand rejected.

OPINION

In the section 102 rejection of claims 1, 2 and 9 as being anticipated by Sharp, the examiner points to the reference as disclosing an "adapter lower portion 22" and an "adapter upper portion 24." (Answer at 3.) "Further, the adapter lower portion 22 having a mounting member 84 would be inherently conductively coupled to bus bars." (Id.)

Appellants' position, as set forth on pages 6 and 7 of the Brief, is that Sharp's mounting member 84 does not conductively connect with the bus bars. The examiner responds, on pages 4 and 5 of the Answer, that the mounting member 84 would be inherently conductively coupled to the bus bars, particularly in view of page 13, lines 8 through 12 of the reference.

Sharp discloses (at 7-8) an electrical load center which comprises a cover trim piece door 26 (Fig. 1), a bus bar support panel 24, and an enclosure or housing 22. The housing 22 is preferably made of plastic. The back wall 30 of housing 22 (Fig. 5) has

mounting hooks 54 for mounting the bus bar support panel 24. Sharp at 9. The reference shows a clamp 60 (Fig. 7) having clamp pieces 64 for clamping round wiring which may be introduced into a hole covered by "knock-out" 66 (Fig. 6). Id. at 10-11. Cables of different sizes may also be introduced into knock-out opening 70, through smaller segment 72 or larger segment 74. Id. at 11.

Each endwall 34 of housing 22 has a conductor-mounting member 84 (Fig. 6). According to pages 11 through 13 of Sharp, a mounting member 84 is adapted to secure special NM-B flexible cable conductors for lower amperage circuits. Slots 86 (Fig. 7) in mounting member 84 are formed at an angle of 120E to provide an interference fit; angles substantially less than 120E were found to cut the NM-B cable insulation while angles substantially greater than 120E were found to permit the NM-B cable to slip.

Each slot 86 is sized to receive two NM-B conductor cables, one on top of the other (after removal of knock-out member 88). A mismatch in height between outer wall portion 84a and inner wall portion 84b forms a plurality of wire bending fixtures 87. The conductor is bent about one of the wire bending fixtures 87 before being pressed into one of the slots 86. The mounting member 84 permits the conductors to be stripped of their insulation prior to insertion into the slots 86.

We cannot agree with the examiner that housing 22, or conductor mounting member 84, would be in any way "conductively coupled" to the bus bars. The circuit breaker bus bar support panel 24 is molded from a plastic material and is configured such

that bus bars 114 can be mounted thereon (Fig. 12). Id. at 13-14. Our interpretation of the section of page 13 of Sharp that refers to stripping insulation of the conductors, in light of Sharp's disclosure as a whole, merely describes stripping insulation from the portion of the conductors which are to connect with bus bars 114. The bare portion of the conductors would not contact mounting member 84.

Even if housing 22 were constructed of a conductor, rather than plastic, such that the housing could be "conductively coupled" to the bus bars, Sharp's electrical load center would not serve its designed function in distributing voltages (see, e.g., id. at 14) if bare conductors contacted the housing. If mounting member 84 were electrically conductive, bare conductors placed in slots 86 would result in all the conductors being placed at the same potential. Moreover, housing 22 appears to be designed as an insulator; if the housing were at the same potential as any conductors contacting the housing, a person contacting the housing would be exposed to the voltage of the conductors.

We therefore cannot sustain the section 102 rejection of claim 1. Nor can we sustain the rejection of claims 2 and 9, depending from claim 1. Moreover, we do not find any suggestion to effect any conductive coupling between Sharp's housing 22 and the bus bars.

Finally, since the section 103 rejection of claims 4, 5, 6, 14-18, and 20-26 fails at least to remedy the deficiency of Sharp with respect to base claim 1, we do not sustain the rejection of those dependent claims.

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CONCLUSION

The rejection of claims 1, 2, 4-6, 9, 14-18, and 20-26 is reversed.

REVERSED

LEE E. BARRETT
Administrative Patent Judge

PARSHOTAM S. LALL
Administrative Patent Judge

HOWARD B. BLANKENSHIP
Administrative Patent Judge

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